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	c. CITY Durham	TW Alexan	der Drive	# \$60,864.								
22. UNITED	STATES OF A BY (Signature)			.—.1		23. NAME (Typed) Rayna Brow						
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ORDER FOR SUPPLIES OR SERVICES SCHEDULE - CONTINUATION

PAGE NO

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

DATE OF ORDER | CONTRACT NO. 08/20/2013 | EP-W-10-055

ORDER NO. 0 0 6 4

ITEM NO. SUPPLIES/SERVICES QUANTITY UNIT UNIT AMOUNT QUANTITY ACCEPTED ORDERED PRICE (d) (a) (c) (e) **(f)** (g) reference. The Contractor shall perform services in accordance with the attached Statement of Work (SOW) dated 07/12/13 (3 pages) and the Contractor's proposal dated 07/23/13 in the amount of \$60,864.00. The task order obligation/funding ceiling is established at \$59,928.00, which the Contractor is not authorized to exceed. Any expendiutre above this amount is at the Contractor's own risk. The task order ceiling price is \$60,864.00. This is a time-and-materials (T&M) task order. This task order is hereby fully funded. Services rendered under this task order are for non-severable services. TOPO: Amanda Kohler Max Expire Date: 08/01/2014 Admin Office: SRRPOD US Environmental Protection Agency Superfund/RCRA Regional Procurement Operations 1200 Pennsylvania Ave, NW Washington DC 20460 Period of Performance: 08/20/2013 to 08/01/2014 60,864.00 0001 Analysis of Scrap Metal, Spent Lead Acid Battery, and Drum Recycling Accounting Info: 13-14-B-31H-302DA1-2585---1331HMP007-0 01 BFY: 13 EFY: 14 Fund: B Budget Org: 31H Program (PRC): 302DA1 Budget (BOC): 2585 DCN - Line ID: 1331HMP007-001 Funding Flag: Partial Funded: \$60,864.00 Continued ... \$60,864.00 TOTAL CARRIED FORWARD TO 1ST PAGE (ITEM 17(H))

ORDER FOR SUPPLIES OR SERVICES SCHEDULE - CONTINUATION

PAGE NO

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ITEM NO.	SUPPLIES/SERVICES	QUANTITY ORDERED	UNIT	UNIT PRICE	AMOUNT	QUANTITY ACCEPTED
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	The obligated amount of award: \$60,864.00. The total for this award is shown in box 17(i).					
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Task Order Statement of Work

Analysis of Scrap Metal, Spent Lead Acid Battery, and Drum Recycling

OBJECTIVE

This Statement of Work requests support for research and analysis on three recycling exclusions: scrap metal (§ 261.4(a)(13) and § 261.6(a)(3)(ii)), spent lead acid batteries (§266.80), and empty containers (§ 261.7). This task will be completed in phases. First, the contractor shall collect information related to these three exclusions from the damage cases and then research best management practices and state programs associated with the three recycling exclusions. Second, the contractor shall perform certain analysis on the damage case study related to the information gathered in the first phase. Next, if directed by the TOCOR, the contractor will develop a list of data needs and gaps that would need to be filled for EPA to proceed with a regulatory action or voluntary program related to the three recycling exclusions: scrap metal, spent lead acid batteries, and empty drums.

BACKGROUND

As part of EPA's effort to revise the current "definition of solid waste" in the 2008 *Revisions to the Definition of Solid Waste Final Rule*, also known as the "DSW rule," EPA undertook an extensive damage case study looking at environmental damages caused by recycling hazardous secondary materials from 1982 to the present. The information in the report helped the Agency to craft the specific conditions for recycling hazardous secondary materials. The report was initially completed in January 2007 and updated in 2008, 2011, and 2012 (which has not yet been published). A copy of the 2012 report and an accompanying damage case database will be provided by EPA.

On January 29, 2009, the Sierra Club submitted an administrative petition requesting that EPA repeal the DSW rule, arguing that the revised regulations are unlawful and that they increase threats to public health and the environment without producing compensatory benefits and, therefore, should be repealed. On July 22, 2011, EPA issued a proposed rule proposing to revise certain exclusions from the definition of solid waste for hazardous secondary materials being recycled. Along with the proposed revisions to the 2008 DSW exclusions, EPA also requested comment on revisions that would affect other definition of solid waste exclusions and hazardous waste exemptions for recyclable materials, including potentially applying speculative accumulation recordkeeping, notification, and containment standards to these existing recycling exclusions.

As part of the DSW rulemaking process and to better inform future program activities regarding hazardous secondary material recycling, EPA wishes to gather information and analyze the top three recycling exclusions associated with the damage case study.

TASKS

Task 1: Information Gathering (Task Area Seven of Base Contract SOW)

(1) Collect more information on several scrap metal cases already in the damage case study: four existing scrap metal damage cases that have little information and several existing damage cases where fires occurred at metals facilities to determine if scrap metal was a factor. Add this

information to the Summary of Scrap Metal Damage Cases Table, which will be provided by EPA.

- (2) Collect information from the drum recycler/reconditioner damage cases, tabling relevant information from each case for easy comparison (e.g., date, facility type, permit status, materials handled, and cause of damage). Use the same format as the Summary of Scrap Metal Damage Cases Table and the Summary of Battery Recycling Damage Cases Table templates, which will be provided by EPA.
- (3) Research best management practices (such as those promoted by Institute of Scrap Recycling Industries (ISRI), Association of Battery Recyclers (ABR), and/or other relevant associations) for scrap metal, spent lead acid battery and drum recycling management practices.
- (4) Research state regulatory and voluntary programs aimed at proper management and environmental compliance of scrap metal, spent lead acid batteries, and drum recyclers.
- (5) Research international standards and programs aimed at proper management and environmental compliance of scrap metal, spent lead acid batteries, and drum recyclers.

Task 2: Analysis (Task Area 6 of the Base Contract SOW)

- (1) Match the damage cases at battery facilities that are secondary lead smelters to how they were handling the materials, particularly the regulatory status of the lead plates and groups (i.e., as part of the exempt recycling process, as newly generated hazardous waste, or as hazardous waste immediately subject to a permit).
- (2) Look for trends as to whether any of the best management practices published by the associations for any of these three waste streams weren't followed when damages occurred at these types of facilities.
- (3) Develop a report that describes the landscape of scrap metal, spent lead acid battery, and drum recycling. The report shall pull together all data collected in Task 1 and include analysis developed under Task 2.

Task 3: Create a list of data gaps and needs (Task Area 5 of the Base Contract SOW)

The contractor shall not begin Task 3 unless given direction to do so by the TOCOR.

Based on the results of the contractor's research and analysis produced as part of Tasks 1-2 above, the contractor shall propose a list of information that EPA would be interested in attaining (such as in a Notice of Data Availability) related to the recycling of scrap metal, spent lead acid batteries, and drum recyclers and possible data gaps that would need to be addressed in any future regulatory action or voluntary program.

The contractor may also meet with EPA in order to further understand EPA's comments. The contractor should expect no more than two rounds of comments from EPA.

SCHEDULE OF DELIVERABLES

(Schedule dates are negotiable upon agreement by the TOCOR.)

Task Number	Deliverable	Due Date
Task 1	Collect information related to the 3 recycling exclusions as outlined above, including best management practices and state programs.	4 weeks after receipt of TOCOR direction to start task
Task 2	Provide analysis related to the 3 recycling exclusions, identified best management practices, and associated damage cases as outlined above.	8 weeks after receipt of TOCOR comments on Task 1
The contr	actor shall not start Task 3 until given direction to do so by	the TOCOR.
Task 3	Identify a list of data gaps and needs related to the 3 recycling exclusions.	4 weeks after receipt of TOCOR direction to start task

TECHNICAL DIRECTION

In accordance with EPAAR 1552.237-71—*Technical Direction*, the Task Order Contracting Officer's Representative (TOCOR) will provide Technical Direction during performance of this task order.

AMENDME	NT OF SOLICITATION/MODIFIC	ATION OF C	ONTRACT		1. CONTRACT ID CODE	PAGE 1	OF PAGES
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	D. OTHER (Specify type of modification	and authority)					
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14. DESCRIP	TION OF AMENDMENT/MODIFICATION	(Organized by U	CF section headings, inclu	uding	solicitation/contract subject matter where feasi	ble.)	
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6. ISSUED BY CODE	SRRPOD	7. A	DMINISTERED BY (If other than Item 6)	CODE
SRRPOD US Environmental Protection Superfund/RCRA Regional Proc Operations 1200 Pennsylvania Ave, NW	Agency			
Washington DC 20460 B. NAME AND ADDRESS OF CONTRACTOR (No., stree	d county State and 7/D Code)		A AMENDMENT OF SOLICITATION NO	
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separate letter or telegram which includes a reference THE PLACE DESIGNATED FOR THE RECEIPT OF virtue of this amendment you desire to change an off to the solicitation and this amendment, and is received 12. ACCOUNTING AND APPROPRIATION DATA (If respective)	pies of the amendment; (b) By e to the solicitation and amendn OFFERS PRIOR TO THE HOL er already submitted, such char d prior to the opening hour and	acknowledging ment numbers. JR AND DATE S nge may be mad	receipt of this amendment on each copy of th FAILURE OF YOUR ACKNOWLEDGEMENT SPECIFIED MAY RESULT IN REJECTION O	e offer submitted; or (c) By TO BE RECEIVED AT F YOUR OFFER. If by
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C. THIS SUPPLEMENTAL AGREEME	NT IS ENTERED INTO PURSU	ANT TO AUTHO	ORITY OF:	
X By Mutual Agreement D. OTHER (Specify type of modification)		FAR 52.	242-15 Stop-Work Order	(Aug 1989)
E. IMPORTANT: Contractor is not.	x is required to sign this doc	cument and retu	rm1 copies to the is:	suing office.
14. DESCRIPTION OF AMENDMENT/MODIFICATION				
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	cancelled via an emailed letter on October 17,		Ιí		
	2013. The delays impacted performance associated		Ιi		
	with Task 1; therefore, this modification is		ΙÌ		
	solely modifying the following deliverable:				
	Task 1 Deliverable				
	Collect information relatd to the 3 recycling				
	exclusions as outlined above, including best				
	management practices and state programs		.		
	Due Date: November 15, 2013				
	All other terms and conditions remains unchanged				
	and in full force and effect.		ΙI		
	TOPO: Amanda Kohler Max Expire Date: 08/01/2014				
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8. NAME AND ADDRESS OF CONTRACTOR (No., street, CASTERN RESEARCH GROUP, INC. 110 HARTWELL AVENUE LEXINGTON MA 024213136	, county, State and	ZIP Code) ($\stackrel{\sim}{ }$	9A. AMENDMENT OF SOLICITATION NO. 9B. DATED (SEE ITEM 11)			
				10A. MODIFICATION OF CONTRACT/ORDER N EP-W-10-055 0064 10B. DATED (SEE ITEM 13)	O.		
CODE 112947395	FACILITY COD)E,		08/20/2013			
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separate letter or telegram which includes a reference THE PLACE DESIGNATED FOR THE RECEIPT OF C virtue of this amendment you desire to change an offer to the solicitation and this amendment, and is received 12. ACCOUNTING AND APPROPRIATION DATA (If requested See Schedule	to the solicitation DFFERS PRIOR r already submitt I prior to the oper uired)	n and amendment number TO THE HOUR AND DA' ed, such change may be ning hour and date specifi	rs. TE: madied.	SPECIFIED MAY RESULT IN REJECTION OF YO	BE REC DUR OFF r letter m	EIVED AT ER. If by akes refer	r / rence
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PAGE 2 OF 7

NAME OF OFFEROR OR CONTRACTOR
EASTERN RESEARCH GROUP, INC.

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	extension is at no additional cost to the				
	Government. This extension is due to delays				
	beyond the contractor's control. This extension				
	includes a revision to the statement of work				
	which is attached as pages 3-7 of this mod.				
	This modification also makes administrative		1 1		
	changes (see below).		1 1	1	
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	All other terms and conditions remain unchanged.				
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	for work within scope		1 1	1	
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	Alternate COR/Project Officer changed to: Amanda				
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<u>Task Order Statement of Work</u> <u>Analysis of Scrap Metal, Spent Lead Acid Battery, and Drum Recycling</u> Modification 1

OBJECTIVE

This Statement of Work requests support for research and analysis on three recycling exclusions: scrap metal (§ 261.4(a)(13) and § 261.6(a)(3)(ii)), spent lead acid batteries (§266.80), and empty containers (§ 261.7). This task will be completed in phases. First, the contractor shall collect information related to these three exclusions from the damage cases and then research best management practices and state programs associated with the three recycling exclusions. Second, the contractor shall perform certain analysis on the damage case study related to the information gathered in the first phase. Next, if directed by the TOCOR, the contractor will develop a list of data needs and gaps that would need to be filled for EPA to proceed with a regulatory action or voluntary program related to the three recycling exclusions: scrap metal, spent lead acid batteries, and empty drums. Finally, the contractor will update EPA's damage case study to include recent damage cases, including damage cases involving recycling exclusions, such as 40 CFR 261.4(a)(22), recycling of cathode ray tubes (CRTs).

BACKGROUND

As part of EPA's effort to revise the current "definition of solid waste" in the 2008 *Revisions to the Definition of Solid Waste Final Rule*, also known as the "DSW rule," EPA undertook an extensive damage case study looking at environmental damages caused by recycling hazardous secondary materials from 1982 to the present. The information in the report helped the Agency to craft the specific conditions for recycling hazardous secondary materials. The report was initially completed in January 2007 and updated in 2008, 2011, and 2012 (which has not yet been published). A copy of the 2012 report and an accompanying damage case database will be provided by EPA.

On January 29, 2009, the Sierra Club submitted an administrative petition requesting that EPA repeal the DSW rule, arguing that the revised regulations are unlawful and that they increase threats to public health and the environment without producing compensatory benefits and, therefore, should be repealed. On July 22, 2011, EPA issued a proposed rule proposing to revise certain exclusions from the definition of solid waste for hazardous secondary materials being recycled. Along with the proposed revisions to the 2008 DSW exclusions, EPA also requested comment on revisions that would affect other definition of solid waste exclusions and hazardous waste exemptions for recyclable materials, including potentially applying speculative accumulation recordkeeping, notification, and containment standards to these existing recycling exclusions.

As part of the DSW rulemaking process and to better inform future program activities regarding hazardous secondary material recycling, EPA wishes to gather information and analyze the top three recycling exclusions associated with the damage case study. EPA also wishes to update the damage case study to include recent damage cases related to recycling exclusions.

TASKS

Task 1: Information Gathering

- (1) Collect more information on several scrap metal cases already in the damage case study: four existing scrap metal damage cases that have little information and several existing damage cases where fires occurred at metals facilities to determine if scrap metal was a factor. Add this information to the Summary of Scrap Metal Damage Cases Table, which will be provided by EPA.
- (2) Collect information from the drum recycler/reconditioner damage cases, tabling relevant information from each case for easy comparison (e.g., date, facility type, permit status, materials handled, and cause of damage). Use the same format as the Summary of Scrap Metal Damage Cases Table and the Summary of Battery Recycling Damage Cases Table templates, which will be provided by EPA.
- (3) Research best management practices (such as those promoted by Institute of Scrap Recycling Industries (ISRI), Association of Battery Recyclers (ABR), and/or other relevant associations) for scrap metal, spent lead acid battery and drum recycling management practices.
- (4) Research state regulatory and voluntary programs aimed at proper management and environmental compliance of scrap metal, spent lead acid batteries, and drum recyclers.
- (5) Research international standards and programs aimed at proper management and environmental compliance of scrap metal, spent lead acid batteries, and drum recyclers.

Task 2: Analysis

- (1) Match the damage cases at battery facilities that are secondary lead smelters to how they were handling the materials, particularly the regulatory status of the lead plates and groups (i.e., as part of the exempt recycling process, as newly generated hazardous waste, or as hazardous waste immediately subject to a permit).
- (2) Look for trends as to whether any of the best management practices published by the associations for any of these three waste streams weren't followed when damages occurred at these types of facilities.
- (3) Develop a report that describes the landscape of scrap metal, spent lead acid battery, and drum recycling. The report shall pull together all data collected in Task 1 and include analysis developed under Task 2.

Task 3: Create a list of data gaps and needs

The contractor shall not begin Task 3 unless given direction to do so by the TOCOR.

Based on the results of the contractor's research and analysis produced as part of Tasks 1-2 above, the contractor shall propose a list of information that EPA would be interested in attaining (such as in a Notice of Data Availability) related to the recycling of scrap metal, spent lead acid batteries, and drum recyclers and possible data gaps that would need to be addressed in any future regulatory action or voluntary program.

The contractor may also meet with EPA in order to further understand EPA's comments. The contractor should expect no more than two rounds of comments from EPA.

Task 4 Update Damage Case Study and Damage Case Database

Subtask A – Identify potential recycling damage cases

The contractor shall compile a list of damage cases that have occurred or have been recorded since July 2011 (when the last update to the damage case study was completed). The contractor shall conduct a search using the internet, EPA databases, and EPA contacts in the Regions. EPA will also provide the contractor a list of 10-20 potential recycling damage cases. Although EPA does not know exactly how many damage cases may exist, we estimate that there may be about 30 total damage cases for the contractor to evaluate. The contractor shall submit the list of potential recycling damage cases to EPA for review, including the name, location, type of damage, and type of hazardous secondary material or recycling involved.

Subtask B - Collect information about each potential damage case

After receiving comments from EPA in subtask A, the contractor shall conduct a search for additional information regarding the damage cases. The contractor may use the internet, EPA databases (e.g., CERCLA/SEMS, RCRAInfo, EPA's OSC website (www.epaosc.org)), and state and Regional staff involved with the damage cases in order to obtain further information. Specifically, the contractor shall strive to obtain the following information regarding each damage case:

- Facility name
- Facility EPA ID
- Facility address and county
- EPA Region of the facility
- Facility type (i.e., generator recycling onsite, generator recycling off-site, intermediate facility, transporter, or reclaimer)
- NACIS code and description
- Whether the site has/had a RCRA permit
- Whether the site went bankrupt
- End date of recycling operation
- Brief site history and description of recycling operation
- Causes of damage (i.e., improper management of hazardous secondary materials, abandoned materials, fire or explosion, accident, leaks or spills, improper management of recycled products, improper disposal of residuals, other)
- Damage description
- Start date of damage
- End date of damage (or if damage is ongoing)
- Funding source for cleanup of damage (Federal, State, Responsible Party)
- Oversight of cleanup (Federal, State, Responsible Party)
- Is the site a RCRA corrective action site?
- Is it in the SEMS database? If so, what is its ID number?
- Is the site on the NPL? Is it proposed to be on the NPL? If so, what is its status?
- Has there been one (or more) CERCLA removal action(s)? If so, what is the status?
- Damage type (i.e., soil, groundwater, sediment, surface water, air, abandoned materials)

- Damage description
- Fatalities?
- Injuries?
- Cleanup costs
- Property and other damages
- Type of recycled materials (i.e., batteries, other metal-bearing wastes, commercial chemical products, drums, spent solvents, spent acids or bases, used oil, other petroleum wastes, scrap metals, precious-metal containing wastes, mercury-containing wastes, other wastes)
- Hazardous waste codes of materials
- Material description
- Regulatory citation the facility was operating under
- Does the contractor believe the facility was legitimately recycling?
- Case Contacts
- Case Sources

EPA notes that not all of the information may be found for each damage case. In these instances, the contractor shall just note "unknown."

The contractor shall evaluate each damage case against EPA's damage case criteria and recommend to EPA whether the damage case should be included in EPA's study or not. The contractor shall submit these recommendations, along with the list of information for each damage case obtained to the TOCOR for review.

Subtask C – Draft narrative profiles of each damage case

After receiving comments from EPA in subtask B, the contractor shall draft a narrative profile of each damage case that fits the criteria of a recycling damage case using the data collected in subtask B above. These profiles will include all known information about each damage case and any links to resources documenting the information. The contractor shall submit the draft narratives to the TOCOR for review.

Subtask D – Revise damage case study and damage case database

After receiving comments from EPA in subtask C, the contractor shall revise the Damage Case Study and damage case database accordingly (EPA will provide current versions of both for the contractor to update). The contractor shall submit the draft Damage Case Study and damage case database to EPA for review. After receiving comments from EPA, the contractor shall provide the final Damage Case Study and damage case database to EPA.

SCHEDULE OF DELIVERABLES

(Schedule dates are negotiable upon agreement by the TOCOR.)

Task Number	Deliverable	Due Date
Task 1	Collect information related to the 3 recycling exclusions as outlined above, including best management practices and state programs.	4 weeks after receipt of TOCOR direction to start task

Task 2	Provide analysis related to the 3 recycling	8 weeks after receipt of
	exclusions, identified best management practices,	TOCOR comments on
	and associated damage cases as outlined above.	Task 1
The contracto	or shall not start Task 3 until given direction to do so	by the TOCOR.
Task 3	Identify a list of data gaps and needs related to	4 weeks after receipt of
	the 3 recycling exclusions.	TOCOR direction to start
		task
Task 4A	List of potential recycling damage cases	3 weeks after receipt of
		TOCOR direction to start
		task
Task 4B	List of information for each damage case along	4 weeks after receipt of
	with contractor recommendation whether to	TOCOR comments in
	include damage case or not in EPA's damage	subtask A.
	case study.	
Task 4C	Draft narrative profiles of each damage case.	3 weeks after receipt of
		TOCOR comments in
		subtask B.
Task 4D	Draft damage case study and database	For draft - 2 weeks after
	Final damage case study and database	receipt of TOCOR
		comments in subtask C;
		For final – 2 weeks after
		receipt of TOCOR
		comments on drafts.
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TECHNICAL DIRECTION

In accordance with EPAAR 1552.237-71—*Technical Direction*, the Task Order Contracting Officer's Representative (TOCOR) will provide Technical Direction during performance of this task order.

PERIOD OF PERFORMANCE

The period of performance end date for this task order will be extended from August 1, 2014, until August 31, 2015.

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